

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 321

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

James Roger Madalena

AN ACT

RELATING TO PUBLIC EDUCATION; MAKING REVISIONS CONCERNING THE
EDUCATIONAL DATA SYSTEM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-1-11 NMSA 1978 (being Laws 2010,
Chapter 112, Section 1) is amended to read:

"22-1-11. EDUCATIONAL DATA SYSTEM.--

A. As used in this section:

- (1) "council" means the data system council;
- (2) "data system" means the unified pre-kindergarten through post-graduate education accountability data system;
- (3) "data system partners" means the public education department and the higher education department;
- (4) "educational agencies" means other public

underscoring material = new
~~[bracketed material] = delete~~

1 agencies and institutions that provide educational services for
2 resident school-age persons and children in state-funded
3 private pre-kindergarten programs; and

4 (5) "pre-kindergarten through post-graduate
5 system" means an integrated, seamless pre-kindergarten through
6 post-graduate system of education.

7 B. The data system partners, in consultation with
8 the council, shall establish a data system, the purpose of
9 which is to:

10 (1) collect, integrate and report longitudinal
11 student-level and educator data required to implement federally
12 or state-required education performance accountability
13 measures;

14 (2) conduct research and evaluation regarding
15 federal, state and local education and training programs at all
16 levels; and

17 (3) audit and ensure compliance of those
18 programs with applicable federal or state requirements.

19 C. The components of the data system shall include
20 the use of a common student identifier for the pre-kindergarten
21 through post-graduate system and an educator identifier, both
22 of which may include additional identifiers, with the ability
23 to match educator data to student data and educator data to
24 data from schools, post-secondary education programs and other
25 educational agencies.

underscored material = new
[bracketed material] = delete

- 1 D. The data system partners shall convene a "data
2 system council" made up of the following members:
- 3 (1) the secretary of public education or the
4 secretary's designee;
- 5 (2) the secretary of higher education or the
6 secretary's designee;
- 7 (3) the secretary of children, youth and
8 families or the secretary's designee;
- 9 (4) the secretary of workforce solutions or
10 the secretary's designee;
- 11 (5) the secretary of economic development or
12 the secretary's designee;
- 13 (6) the secretary of information technology or
14 the secretary's designee;
- 15 (7) the secretary of human services or the
16 secretary's designee;
- 17 (8) the secretary of health or the secretary's
18 designee;
- 19 (9) the director of the office of education
20 accountability or the director's designee;
- 21 (10) the director of the public school
22 facilities authority or the director's designee;
- 23 (11) a representative from the office of the
24 governor;
- 25 (12) the presidents or their designees of one

.184283.3

underscored material = new
[bracketed material] = delete

1 research university, one four-year comprehensive university,
2 two branch colleges and two independent community colleges;
3 provided that the presidents shall be selected by the data
4 system partners in collaboration with organizations that
5 represent the presidents of those institutions;

6 (13) at least six public school
7 superintendents or their designees; provided that the
8 appointments by the data system partners shall be made so that
9 small, medium and large school districts are equally
10 represented on the council at all times;

11 (14) at least three charter school
12 administrators or their designees appointed by the data system
13 partners;

14 (15) at least four parents of students in
15 public schools to be appointed by the data system partners;
16 provided that the parents appointed shall include
17 representatives who are from different areas of the state and
18 are representative of the state's ethnic diversity and at least
19 one of whom is a parent of a student with disabilities;

20 (16) the directors or their designees of at
21 least two nonprofit advocacy organizations appointed by the
22 data system partners; provided that directors appointed are
23 from agencies that have a demonstrated interest in educational
24 outcomes for children;

25 [~~(15)~~] (17) the director of the legislative

.184283.3

underscored material = new
[bracketed material] = delete

1 education study committee or the director's designee; and
2 [~~(16)~~] (18) the director of the legislative
3 finance committee or the director's designee.

4 E. The council shall:

5 (1) meet at least four times each calendar
6 year;

7 (2) create a management plan that assigns
8 authority and responsibility for the operation of the data
9 system among the educational agencies whose data will be
10 included in the data system;

11 (3) assist the educational agencies whose data
12 will be included in the data system in developing interagency
13 agreements to:

14 (a) enable data to be shared across and
15 between the educational agencies;

16 (b) define appropriate uses of data;

17 (c) assure researcher access to data;

18 (d) assure the security of the data
19 system;

20 (e) ensure that the educational system
21 agencies represented on the council, the legislative education
22 study committee, the legislative finance committee and other
23 users, as appropriate, have access to the data system; and

24 (f) ensure the privacy of any person
25 whose personally identifiable information is contained in the

.184283.3

1 data system;

2 (4) develop a strategic plan for the data
3 system; and

4 (5) create policies that ensure users have
5 prompt and reasonable access to reports generated from the data
6 system, including:

7 (a) identification of categories of data
8 system users based on security level;

9 (b) descriptions of the reports that the
10 data system is capable of generating on demand; and

11 (c) definitions of the most timely
12 process by which users may retrieve other reports without
13 compromising the security of the data system or the privacy of
14 any person whose personally identifiable information is
15 contained in the data system.

16 F. The data system strategic plan shall include:

17 (1) the development of policy and practical
18 goals, including time lines and budget goals, that are to be
19 met through the implementation of the data system; and

20 (2) the training and professional development
21 that the data system partners will provide to users who will be
22 analyzing, accessing or entering data into the data system.

23 G. The confidentiality of personally identifiable
24 student and educator data shall be safeguarded consistent with
25 the requirements of state and federal law. To the extent

.184283.3

underscoring material = new
~~[bracketed material] = delete~~

1 permitted by the data system partners in conformance with state
2 and federal law, public entities participating in the data
3 system may:

4 (1) disclose or redisclose data for
5 educational purposes and longitudinal comparisons, analyses or
6 studies, including those authorized by law;

7 (2) enter into agreements with other
8 organizations for research studies to improve instruction for
9 the benefit of local educational agencies, public schools and
10 post-secondary educational institutions, subject to safeguards
11 to ensure that the research organization uses the student
12 records only for the authorized study purposes; and

13 (3) disclose education records to a student's
14 former secondary school or school district upon request solely
15 for purposes of evaluation or accountability for its programs.

16 H. Nothing in this section precludes the data
17 system partners, in consultation with school districts, charter
18 schools and public post-secondary educational institutions,
19 from collecting and distributing aggregate data about students
20 or educators or data about an individual student or educator
21 without personally identifiable information.

22 I. The data system partners, in consultation with
23 school districts, charter schools and public post-secondary
24 educational institutions, shall jointly adopt rules to carry
25 out the provisions of this section, including security

.184283.3

underscoring material = new
[bracketed material] = delete

1 administration requirements and the provision of training for
2 data entry personnel at all levels.

3 J. By December 31 of each year, the data system
4 partners shall submit a data system status report to the
5 legislature and to the governor. Prior to submission and
6 publication of the report referred to in Subsection K of this
7 section, the data system partners shall distribute a draft of
8 the report to school districts, charter schools and all public
9 post-secondary educational institutions to allow comment on the
10 draft report.

11 K. The data system partners, in consultation with
12 school districts, charter schools and public post-secondary
13 educational institutions, shall develop and adopt the content
14 and a format for the report, including the ability of the data
15 system to:

- 16 (1) connect student records from pre-
17 kindergarten through post-graduate education;
- 18 (2) connect public school educator data to
19 student data;
- 20 (3) match individual public school students'
21 test records from year to year to measure academic growth,
22 including student-level college and career readiness test
23 scores;
- 24 (4) report the number and percentage of
25 untested public school students by school district and by

.184283.3

underscored material = new
[bracketed material] = delete

1 school and by major ethnic group, special education status,
2 poverty status and gender;

3 (5) report high school longitudinal graduation
4 and dropout data, including information that distinguishes
5 between dropouts or students whose whereabouts are unknown and
6 students who have transferred to other schools, including
7 private schools or home schools, other school districts or
8 other states;

9 (6) provide post-secondary remediation data,
10 including assessment scores on exams used to determine the need
11 for remediation;

12 (7) provide post-secondary remedial course
13 enrollment history, including the number and type of credit and
14 noncredit remedial courses being taken;

15 (8) report post-secondary retention data that
16 indicate whether students are returning the second fall term
17 after being enrolled as full-time first-time degree-seeking
18 students;

19 (9) report to New Mexico public high schools
20 on their students who enroll in a public post-secondary
21 educational institution within three years of graduating or
22 leaving the high school regarding freshman-year outcomes;

23 (10) provide post-secondary student completion
24 status, including information that indicates if students are
25 making annual progress toward their degrees;

.184283.3

underscored material = new
[bracketed material] = delete

1 (11) include data regarding students who have
2 earned a general educational development certificate in
3 reporting post-secondary outcomes;

4 (12) report the number and percentage of
5 students who have been subject to suspension and expulsion for
6 each school and each school district, reflecting duplicated and
7 unduplicated instances of suspension and expulsion, the
8 disciplinary infractions leading to suspension and expulsion
9 and the length of the suspension or expulsion, and the data
10 shall:

11 (a) be organized according to the
12 students' age, grade, race, ethnicity, gender and eligibility
13 category for students enrolled in special education;

14 (b) include student enrollment in any
15 English language program, homeless student program or free and
16 reduced-fee lunch program; and

17 (c) indicate students who have been
18 retained a grade;

19 (13) report the number and percentage of
20 students who have been arrested, cited or referred to the
21 children, youth and families department for an alleged
22 delinquent act on school property, which reports shall include
23 at least the following information reported at both the school
24 and district level:

25 (a) the number of arrests, citations and

.184283.3

underscored material = new
[bracketed material] = delete

1 referrals of students on school property, including arrests,
2 citations or referrals made by law enforcement officers,
3 security guards, school resource officers and other school
4 employees;

5 (b) the offenses for which students were
6 arrested, cited or referred on school property;

7 (c) statistics regarding the age, race,
8 gender and eligibility category for students enrolled in
9 special education of students arrested, cited or referred on
10 school property and categorizing the statistics by offense; and

11 (d) the number of days students were
12 unable to attend their home school as a result of placement in
13 a detention facility;

14 [~~(12)~~] (14) report data collected for the
15 educator accountability reporting system;

16 [~~(13)~~] (15) report pre-kindergarten through
17 post-graduate student-level enrollment data, demographic
18 information and program participation information;

19 [~~(14)~~] (16) report pre-kindergarten through
20 post-graduate student-level transcript information, including
21 information on courses completed, grades earned and cumulative
22 grade point average;

23 [~~(15)~~] (17) connect performance with financial
24 information;

25 [~~(16)~~] (18) establish and maintain a state

.184283.3

underscoring material = new
~~[bracketed material] = delete~~

1 data audit system to assess the quality, validity and
2 reliability of data; and

3 [~~(17)~~] (19) provide any other student-level
4 and educator data necessary to assess the performance of the
5 pre-kindergarten through post-graduate system."

6 - 12 -
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25